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8 February 1977

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MR

MEMORANDUM FOR THE RECORD

SUBJECT: Meeting with Senate Select Committee on Intelligence
Staffers to Discuss Proposed Electronic Surveillance
Bill, 8 February 1977

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77-0010/1

1. I accompanied Tony Lapham, General Counsel, and [REDACTED] Office of General Counsel, to a meeting with Tom Connaughton, Martha Talley and Mark Gitenstein, all on the staff of the Senate Select Committee on Intelligence. We discussed a proposed bill on electronic surveillance, and Mr. Lapham outlined three major issues of concern for CIA in the hour-long discussion.

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a. Foreign Liaison and Warrants

[REDACTED]

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b. Definitions

[REDACTED]

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c. Judicial Review

Section 2525(c) combined with the expanded judicial review power created by the bill gives the judge almost unlimited discretion. Mr. Lapham pointed out that judicial review was not necessarily a better alternative, in fact worse, for checking the undisciplined use of wiretap than say the present procedure whereby the Executive Branch, through the Attorney General, signed off on wiretap operations.

2. Mr. Lapham mentioned that the bill contained no procedures for the physical securing of classified documents for the courts. Staff members said they would draw up guidelines.

3. Staff members said they did not know if Senator Edward Kennedy (D., Mass.), who had introduced the bill last year, would do so again this year. Nor did they know when the bill would be introduced.

4. Mr. Gitenstein asked for copies of the Attorney General's guidelines for implementing E.O. 11905. (I relayed the request to [redacted] who said he would take care of it.)

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5. Staff members will be meeting with Justice and NSA sometime this week. If we want another meeting, they said they would be glad to talk to us again, perhaps at Headquarters.

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Office of Legislative Counsel

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